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From: (b)(6) DoD OGC
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Subject: GTMO Bird - Multiple articles on Clive; ex-detainees claims of abuse, etc; al-Dossari; John Gibbons editorial on GTMO; Amnesty Int'l & Reprieve gathering of ex-detainees; UN visit off; Hicks denied UK citizenship

All:

Today's GTMO Bird below.

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Office of General Counsel (Legal Counsel)

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Interview with Guantanamo Bay Lawyer Clive Stafford Smith

Asharq Alawsat Webiste

18/11/2005

By Mohammed Al Shafey

London Asharq Al-Awsat- As part of its war on terror, the United States currently detains some 500 "enemy combatants" at Camp Delta, in Guantanamo Bay, without charge or trial amid accusations widespread torture and ill-treatment.

Asharq al Awsat visited Clive Stafford Smith, the British born lawyer representing more than 40 detainees at his office in Central London to discuss the state of prisoners in the camp, some of whom have been held for over three years, and whether their release was likely in the near future.

So far, nine of his clients have been charged with war crimes and will be tried in a US military tribunal. One of them, Omar Khodr, a Canadian national of Egyptian origin, was caught in Afghanistan aged 15. Now 18, he has lost his sight and suffered injury to his chest during his detention. He is accused of hurling a hand grenade at an American soldier in the military corps after the house in which he lived in Khost, a town on the border with Pakistan, was bombed in July 2002.

Stafford Smith indicated terrible human rights abuses were taking place in Camp Delta and accused the current US administration of keeping the detention facility open to trick public opinion into believing it was on the right track to win the so-called war on terror.

Guantanamo Bay is one of the most isolated and secretive places on earth. Only a handful of lawyers and journalists have been allowed to visit and expose the abuse of prisoners from eighteen different nationalities, mostly Arabs caught in Afghanistan, some even sold for a mere \$5000 dollars.

On Friday, the United Nations rejected a US invitation to visit the prison camp, blaming restrictions imposed by Washington, which would not allow UN human rights experts to speak to detainees in private.

In his eight visits to Guantanamo Bay, Stafford Smith said he met with his clients in private for 3 hours a day, including Sami Muhieddin al Hajj, a Sudanese cameraman working for Al Jazeera in Afghanistan during the US invasion. He also met the Saudi Shakir Abdul Rahim, married to a British national, the Palestinian Jamil al Banna, the Iraqi Bisher al Rawi, the Libyan, Omar al Deghayes and others from Mauritania, China, Tunisia, Egypt, Syria, Kuwait and Sudan. However, he admitted that the US prison authorities were probably spying on his sessions with his clients.

The British-born lawyer revealed the presence of a secret detention facility to punish troublesome prisoners unknown to the media, which has mentioned Camp 4, a medium security facility and Camp 5, known for its harsh security procedures and solitary confinement. Asked by Asharq al Awsat to describe the prison, Stafford Smith said, "I don't know whether to laugh or cry."

International law was no longer sufficient to put an end to the tragedy, he added, which was why he was counting on the media to enforce pressure on the US administration to close the detention facility.

"We live in a new world where we lack a sense of history. When the United States caught the spies of the Cold War at the height of the conflict between the Eastern camp and the Western camp, it did not incarcerate them in Guantanamo but detained them in normal jails," he said. Accusing the current administration of violating human rights agreements, he expressed his apologies on behalf of the people of the US for their government's practices.

While US Defense Secretary Donald Rumsfeld had designated the prisoners as enemy combatants caught in battle, Stafford Smith said two of his clients were arrested while on a business trip to the Gambia in 2002 to establish a factory to produce Soya oil.

Jamil al Banna and the Iraqi Bisher al Rawi were detained at Banjul airport, because of their links to Abu Qatada, or Omar Mahmoud Othman, the extremist Palestinian figure currently in jail for endangering national security as the alleged spiritual leader of al Qaeda in Europe. The British Foreign Office declined to represent al Rawi because he not a British national, despite having lived in the country for many years. His family fear for their son who sought asylum in Britain in 1985 and who might be forced to return to Iraq when freed.

Other British residents are currently held in Camp Delta. They include Bisher al Rawi, the Ugandan Jamal Abdullah, who came to the United Kingdom with his mother, the Saudi Shakir Abdul Rahim, who arrived in 1996 and married a British woman with whom he has 4 kids.

Confirming reports published by the Washington Post on secret US detention facilities in Eastern Europe where al Qaeda members are jailed, Stafford- Smith indicated that he believed one such center exists in Poland. He suspected al Qaeda officials, such as Khalid Sheikh Mohammad, Abu Zubaidah, Abu Faraj al Libbi and Ramzi ibn al Shibah, were held there.

Refusing to be pessimistic, Stafford- Smith promised all his clients would be released if the necessary pressure were exerted. He recalled how one British prisoner in Guantanamo Bay was freed after political and media pressure, pointing out that all twenty European prisoners have been freed.

Shakir Abdul Rahim, a Saudi prisoner represented by Stafford- Smith, had lost half his weight and is now a mere 130 pounds, because of his ongoing hunger strike in protest against ill-treatment by prison guards in Camp Delta. His stance had earned him the nickname "leader of the strikers," the lawyer indicated.

The British-born lawyer frowned when the discussion turned to the alleged human rights abuses against his clients, such as the Libyan Omar al Degahyes, who has lost sight in his right eye and was visited by officers from the Libyan intelligence services on 8th September 2004 who threatened he would be flown back to Libya.

According to Stafford Smith, al Deghayes fears the Libyan authorities more than the US prison guards as he had sought asylum in Britain with his family in 1986 after the Gaddafi regime murdered his father.

Refusing to refer to any of his clients as terrorists, Stafford Smith said, "If these are terrorists then my grandmother is a terrorist too!"

"I spent twenty years defending inmates on death row in the United States and I can assure you that the ill-treatment I saw in Guantanamo is much worse," he added.

Disputing Rumsfeld's remarks that Camp Delta was established to stop terrorism, the British-born lawyer pointed out, "The danger today on the United States and Europe is greater than before. The depth of hatred because of Guantanamo is bigger and more dangerous. We claim to fight terrorism worldwide to establish peace but the first thing we do is detain people and bring them to Guantanamo and take away their freedom."

Commenting on the treatment he has received at the hands of US prison guards at Camp Delta, the lawyer said, "These soldiers have been brainwashed which is why they consider me an enemy. I thank the US authorities for allowing me to meet the prisoners on eight separate visits."

His Ethiopian client, 28-year old Binyam Mohammad was transferred to Morocco for 28 months where he was severely tortured and forced to confess to having dinner, on 3 April 2002, with Khaled Sheikh Mohammad, Al Qaeda's number three and Ramzi ibn al Shaibah, thought to be behind the September 11 attacks.

The same story of abuse and mistreatment is repeated with Sami Muhyi al Din al Hajj, a Sudanese national who was arrested in 2001 while working for Al Jazeera in Afghanistan and detained in Guantanamo. According to Stafford Smith, his client has yet to be charged by the US authorities. "He has been tortured so much that I would describe his treatment as sadism." Al Hajj had first alerted the British born lawyer to instances where the Quran had been desecrated by prison guards. He testified to Stafford Smith, "I was a witness when they threw the holy Quran. Hamza from Tunisia was also present."

"In protest against this sullyng, Sami went on hunger strike. A soldier dragged him shaved his hair off and then threw him to the floor. He was hurt in his right cheek," Stafford Smith recounted.

"As punishment for his refusal to cooperate with the American guards, he was moved to the maximum security Camp 5 where he was held in solitary confinement for eight months," he added. Al Hajj continues to be regarded as a Category A prisoner.

<http://aawsat.com/english/news.asp?section=3&id=2723>

Inside Guantanamo: Lawyer Clive Stafford Smith regularly visits clients in the prison camp he calls America's "law-free zone". This is his chilling report on life behind the wire

New Statesman

November 21, 2005

BYLINE: Clive Stafford Smith

The 12-seater Air Sunshine plane sets down at the Guantanamo Bay Naval Base just as the sun descends behind the hangar. I am met by a military escort. We josh about the threat that the legal profession poses to national security: lawyers are required to stay the night on the leeward side, safe across the bay from the main base and the prison. He drops me off at the motel, the Combined Bachelors' Quarters or CBQ, where a sign boasts that it is "the pearl of the Antilles".

Here, for \$12 a night, a bachelor can share a room with three other soldiers. Even in this age when "Don't ask, don't tell" is the official line on homosexuality in the US forces, the notion of combined bachelors strikes me as incongruous.

They give me a room with four beds to myself. After eight visits I am an old hand here and I have my favourite room with a view of the placid Caribbean.

The motel sign also trumpets the base's motto, "Honour Bound to Defend Freedom", but freedom is a relative term here. Iguanas are free enough, and if my escort accidentally runs one over it's a \$10,000 fine, as US environmental laws apply in Guantanamo. On the other hand, if you feel the need to hit one of the 500 prisoners who are now four years into their captivity it is called "mild non-injurious contact" and there are no consequences. Two years ago in the Supreme Court, we argued that it would be a huge step for mankind if the judges gave our clients the same rights as the animals.

At the motel, television is the only diversion. I am unsure whether the CIA organised this to spook me, but on each of my recent visits to the base I have had the option of watching Groundhog Day, with Bill Murray waking up over and over again to the same morning. As his clock radio clicks over to 6am, Sonny and Cher are inevitably moaning, "I got you, babe." Guantanamo Bay is Groundhog Day. It's reveille at 5.30am for breakfast. The cook nonchalantly crushes a scorpion that has wandered into the chow hall and greets me with the same cheese omelette as yesterday. I am pinioned to my table by television monitors shouting the American Forces channel at me.

I walk a mile down the road to meet the 7am ferry. A bus always passes me at the same place and, as usual, I wave to the driver. The tarmac steams as the sun rises over the Cuban hills, stillness and beauty clashing with the rusted barbed wire. I wonder whether the ten-foot snake that was outside my motel door this morning lives in one of the wooden Second World War bunkers that adjoin the road.

Cresting the hill, I see the ferry coming across the bay. As it approaches the landing, tinny music can be heard above the drone of the engine. Each morning for a week it has been Jimmy Buffett belting out "Margaritaville". I have a fantasy that one day we will progress a track, or two on that Buffett album to a song called "Why Don't We Get Drunk (and Screw)". But it never happens.

Most of the lawyers complain about staying on the leeward side, but I enjoy the morning cruise. High in the hills, as the pilot steers us in to the windward dock, four wind turbines slowly rotate. They are majestic, an unlikely sign of environmental sensitivity in such an otherwise harsh world.

The escort meets us at the dock and calls his code in to our un--seen monitor. We stop off at Starbucks and then drive down to McDonald's. A soldier smartly salutes his superior, "Honour Bound, sir!" The officer salutes his reply, "To Defend Freedom, soldier!" The first time I saw this I chuckled, thinking they were joking. It's mandatory. It's the motto.

"Recreation Road" runs alongside Guantanamo Golf Course, grass sparse, leading to the prison camp. I cannot write about the layout of the camp, because that would violate the security rules.

The various camps have been given names steeped in irony. "Papa" is where the prisoners on hunger strike are force-- fed. "Romeo" is where the military sexually humiliated prisoners by forcing them to wear only shorts. Forty Muslim men, forsworn from alcohol, live in "Whiskey". I can't decide whether the irony is inadvertent, as is generally the case with irony on this side of the Atlantic, or deliberate and cruel.

Meetings between client and lawyer are held in Camp Echo. Before June 2004, when the Supreme Court ordered that the prisoners be allowed lawyers, this used to be the harshest camp, where prisoners were held in total isolation. Each cell is hermetically sealed from the others and divided down the middle -- the prisoner lives on one side and is brought into the other half only for interrogation sessions or, lately, lawyer visits. I am going to stay there all day, until 5pm. I am glad that we arrived in plenty of time. At 8am the warning siren will sound on the Tannoy, followed by the national anthem.

Everything will come to a stop and the soldiers stand rigid, saluting the nearest flag until it is over.

I go into the camp and must wait for the clients to be prepared. We sit at the "picnic table" by the cells. The guards live a monotonous life and most are friendly. One tells me he saw me recently on CNN, where I said that most of the military were decent people consigned to a terrible task. He smiles as he asks whether he is one of the decent folk or one of the bastards.

Another confides in me that he has been told to keep his distance from the lawyers. I am curious about the minefield that apparently still separates the naval base from the perfidious Cuban communists. "Every now and then you hear an explosion at night," says the soldier. "Those are Cubans trying to escape to freedom." I laugh because I assume he is kidding me, but he is serious. I suggest that any mine that goes off is probably taking out an errant iguana. He is clearly unhappy. I am a cynic, and he does not talk to me again for several days.

A guard takes his hat off and puts it on the table. To remind him of his mission, he has writ--ten inside the rim: "Al-- Qaeda are pussies."

Many of the guards are from quiet American backwaters and Guantanamo represents their first foray abroad. They have been subjected to the most extraordinary propaganda. One of my clients is only a little over five feet tall, very mild-mannered and cultured. Some months ago he told me about the times before the cameras were installed, when a soldier sat outside his Camp Echo cell 24 hours a day, watching him. He noticed a female guard shaking on her chair and asked her what the matter was. Eventually she asked him whether he truly was a serial assassin -- she had been told that he was another Hannibal Lecter and might bite her through the bars. When he finished laughing he devoted many therapeutic hours to calming her down. The US military got its intelligence thoroughly wrong on him, and his guards grew to disbelieve the stories. A number gave him their e-mail addresses for when he got out. Finally, the time comes to see my first client. There is a cooler full of "Freedom Springs" water bottles, the name printed over an American flag. One soldier suggests that I strip the flag off before passing a bottle to the prisoners, because they might desecrate Old Glory. I recall how surprised some Americans were at the Muslim outrage when Newsweek reported how the Koran had been thrown into the toilet. The parallels seem obvious: insults to their flag reduce many Americans to apoplexy.

Talking to my clients is draining. Even gaining their trust is not easy. After the right to counsel was won, the military tried to outflank us by sending interrogators in pretending to be lawyers. Given that all the real lawyers have to be American citizens, what is to distinguish us in the eyes of our clients from the deception that went before?

We talk about torture. I now have a checklist of the abuses used by the US military and those who do their dirtier work for them. Every now and then I get a flash of perspective: when I went to law school in 1984, did I ever think such a checklist would be necessary? Did I believe that an American tribunal would admit a confession exacted at the point of a razor blade? The soldiers seem to accept the Guanta--namo reality without blinking. A minority of the government prosecutors are horrified; the majority go with the flow.

In addition to being devoid of law, Guantanamo sometimes seems like a truth--free zone. I am scheduled to see my client Mohammed el--Gharani. The military says he is 26 and denies that there are any juveniles on the base. Let us assume the camp authorities really believe this: what does it say about the quality of Guantanamo intelligence if they cannot even work out his age after four years of interrogation? Mohammed was not quite 15 when he was seized, and is still a teenager. I got the birth certificate from Saudi Arabia to prove it, but they still won't believe me. "He sure does look young," says one of the guards.

The prisoners are depressed. There were 32 suicide attempts in the first six months. This was bad PR for the military; something had to be done. Six months later we were told that suicide attempts had zeroed out. Was this true? No.

Attempting suicide had merely been renamed "self--injurious behaviour" and another 42 prisoners had become SIBs.

In similar semantic vein one soldier says that he cannot say the word "prisoner", as he has been ordered to refer to my clients as detainees. It is deemed defensible to "detain" a person, where "imprisoning" him without trial is not.

Sami al--Laithi knows all about this. An Egyptian, he was minding his own business in Pakistan when the Americans seized him, and he was then badly abused in Guantanamo. He'll certainly never play football again, as he is confined to a wheelchair with two fractured vertebrae after being ERF'd (that's a recent addition to the Guantanamo lexicon, describing the habits of the Emergency Reaction Force guards, who dress up in Darth Vader outfits and rough up recalcitrant prisoners).

Because Sami complained repeatedly they held him in solitary confinement at Camp V. Three years into this ordeal, Sami's tribunal found him "innocent" -- as he had said all along, he never was an enemy combatant. So what did he get for it? The guards came into his cell and offered him a white uniform instead of an orange one. Sami got angry. It took them another five months to set him free.

It is a long day. I have to speak my questionable French to some prisoners, my even more dubious Italian to others.

We laugh a good deal, but goodness only knows what they understand of their rights. At 5pm I have to leave.

En route back to the ferry landing we stop at the NEX, the Navy Exchange. Posters advertise an impending visit by Miss Teen USA, a reminder that the overwhelming majority of the 9,000 soldiers are male. I am surprised that the US military does not treat them better. They cannot bring their families to the base, and are often cut off from their children for six months at a time.

Outside the NEX, stalls sell Guantanamo Golf Course T--shirts, and others that say "Behaviour Modification Instructor". I cannot resist a Lilliputian version for my seven--year--old nephew that says "Future Behaviour Modification Instructor". Will I be liable if he beats my brother up?

The ferry has stopped for the day, so in the evening I take a faster boat back across the bay. Waiting for it to leave, I check out the plaque 50 yards away. This is where Christopher Columbus beached on his second trip, on 30 April 1494.

He found nothing of interest in Guantanamo and left the next morning.

The trip across the bay takes no more than ten minutes. As I walk back up the hill to the CBQ, the sun is setting and the Tannoy crackles to life again. It's time for the bugle to blare retreat, the rather defeatist end to every military day.

I stop at the Clipper Club, perhaps the most boring bar in the Caribbean. The management's "standards of appearance"

sign prohibits "clothing with bizarre, drug--promoting, obscene and offensive insignia". Patrons are warned that "shirts must cover excessive body hair on the chest, abdomen, and under arms". I pass the test and it's good to have a drink.

"Al--qaeda" supposedly means "the base" in Arabic. Guantanamo means "the naval base" here, and one of the military defence lawyers has developed his own response when any soldier confronts him with, "Honour Bound, sir!" He returns the salute sardonically, "To defend the US constitution!" Guantanamo should consider a change of motto.

Clive Stafford Smith is legal director of Reprieve, a UK charity fighting for people facing the death penalty and other human rights abuses. He has represented 40 of the prisoners at Guantanamo Bay. For more information go to

(www.reprieve.org.uk)

The books they ban

It is said that when Jeremy Paxman was told that the British prisoner Moazzam Begg's bookshelf contained only two books -- the Koran and Paxman's own *The English* -- a Newsnight colleague remarked: "So it's true they torture people in Guantanamo." Begg's problem with reading material, of course, was censorship, which is as sweeping as it is perverse.

Banned magazines have included National Geographic, Scientific American and Runner's World. John Pilger's *Hidden Agendas* was returned, stamped "Denied". An anthology of First World War poetry was also excluded, as was Robert Hughes's history of Australian colonisation, *The Fatal Shore*, and, even more curiously, *The New Dinkum Aussie Dictionary*.

In the case of Scott Turow's legal thriller *Presumed Innocent* the title alone may have been the problem, but perhaps the strangest cases were the four books returned with the note: "These Items were not Cleared for Delivery to the Detainee(s)." They were *Puss in Boots*, *Cinderella*, *Jack and the Beanstalk* and *Beauty and the Beast*.

The torture trail

Binyam Mohammed, originally from Ethiopia, lived in north Kensington, London, for several years, seeking asylum, and in 2001 went to Afghanistan. After the invasion he fled to Pakistan, where he was seized for using a passport that was not his own and turned over to the US. He surfaced late last year in Guantanamo.

What happened in the intervening three years? Binyam describes how, in Pakistan, an FBI agent said, "If you don't talk to me, you're going to Jordan. We can't do what we want here; the Pakistanis can't do exactly what we want them to.

The Arabs will deal with you." When he asked for a lawyer, the FBI told him he did not have the right to one.

In July 2002, Binyam was flown by CIA plane from a military airport in Islamabad to a prison, not in Jordan but in Morocco. There, a guard told him: "America's really pissed off at what happened, and they've said to the world: either you're with us or you're against us. We Moroccans say: 'We're with you.' So we'll do whatever they want."

A man who called himself Marwan served as Binyam's main interrogator. "Give me the whole story all over again,"

Marwan would say. Each time, Binyam did what he could. Marwan would give the order: "Idrabo", which means "beat him" in Arabic. The guards would say: "There's worse to come"; and Binyam could hear people screaming across the hall.

Once, Marwan brought in three thugs who cut off his clothes with a scalpel and then, as Binyam screamed, used the scalpel to make a cut in his chest. Next, he says, one of the thugs took his penis in his hand and began to make cuts. The pain was appalling. He says he also suffered torture worse than this, but cannot bring himself to discuss it.

He was in Morocco for 18 months. He asked a guard: "What's the point of this? I've got nothing I can say to them."

The guard replied: "It's just to degrade you. So when you leave here, you'll have these scars and you'll never forget. So you'll always fear doing anything but what the US wants."

In January 2004, Binyam was taken to Kabul, where he endured five more months of torture, mainly psychological at this point. He says that he signed whatever statements were put in front of him. He apparently confessed to dining in April 2002 with five high-ranking Qaeda operatives -- a dinner at which they discussed a plot to plant a radioactive "dirty bomb" in New York. He denies that this is true.

Binyam is now charged in a military commission where evidence based on torture is admissible. The British men still there

Shaker Aamer, 40, is the Saudi father of four British children who live in Battersea, south London. He was subjected to severe torture at the "Dark Prison" in Kabul and at Bagram air force base. Since being sent to Guantanamo, he has been elected to the six-man "prisoners' council" and has been punished with solitary confinement for co-ordinating a hunger strike. Bisher al-Rawi and Jamil al-Banna were both in the Gambia setting up a peanut oil plant when they were seized, turned over to the United States and sent to Guantanamo. Britain had recognised Jamil as a refugee from Jordan four years previously; Bisher and his family had fled Saddam Hussein 20 years earlier. Jamil's wife and five children live in London, not far from Bisher's mother and sister.

Omar Deghayes is a refugee who escaped from Libya to Britain with his family as a teenager, after his father was murdered by Colonel Gaddafi. Omar studied law. He was seized in Pakistan, tortured and sent to Guantanamo. The main evidence against him is a videotape of a Chechen rebel, brandishing a Kalashnikov, who is now known to be a man called Abu Walid but was mistakenly identified by Spanish authorities as Omar. The British government has suggested that Omar should apply to Libya for "consular assistance" and he has received visits from Libyan officials who, rather than offering him help, threatened to kill him should he return to Libya.

Ahmad Errachidi, who worked as a cook in London for almost 18 years, was arrested in Pakistan by bounty hunters, sold to the US military and transferred to Bagram, where the sign on the interrogation room door read "Hell" in Arabic. In Guantanamo, he was accused of being an extremist leader and dubbed "The General". Ahmad has been held in punitive isolation for more than two years, the longest period served in isolation by any Guantanamo prisoner.

Jamal Kiyemba, originally from Uganda, lived in Britain from the age of 14. "Ask any MP military police personnel in Gitmo Guantanamo : where's this guy from? Answer: they will say Britain! Check my incoming mail and you will find that it's from Britain. My GP, my local mosque, my teens, my education, employment, friends, taxes, home and, above all else, my family -- it is in Britain. I may not be British according to some piece of paper, but in reality I am a Brit and always will be." Because Britain will not have him, the US recently gave notice that he would be sent to Uganda.

And there may be more: Abdulnour Sameur is an Algerian refugee who lived in south Harrow, London, and Ahmed Ben Bacha is an Algerian who lived in Bournemouth. Neither has yet seen a lawyer and little is known about them.

Guantanamo ex-prisoners claim abuse, Koran desecration

Agence France Presse -- English

November 17, 2005 Thursday 7:19 PM GMT

DATELINE: MANAMA Nov 17

Three Bahrainis released from the US military prison at Guantanamo Bay earlier this month accused their captors Thursday of torturing them and regularly desecrating copies of the Koran.

Adel Kamel Haji, Abdullah al-Nuaimi and Salman bin Ibrahim al-Khalifa, a member of the ruling royal family, told a press conference that they intend to sue the US government for holding them for four years without charge or trial.

"They detained us in Pakistan and we were exposed to psychological and physical torture," said Haji, 41.

"We are going to sue them for that and we are going to sue them for dishonouring our religion." The trio had returned to Manama on November 6.

His comrade Nuaimi said they and other detainees were "regularly beaten up, chained and left out in the cold."

"My Koran was always stepped on by soldiers," he added.

Haji said that they had gone to Afghanistan through Iran at the start of the US-led military campaign against the Taliban regime in late 2001 to "take part in humanitarian relief for areas affected by the bombing."

After the fall of the Taliban they went to Pakistan and gave themselves up to the army so that they can be handed over to the Bahraini embassy there but were instead given to the Americans, said Haji.

He said they were briefly held at a detention facility in Kandahar in Afghanistan where they were "tortured with electric cables" before being transferred to the notorious US facility in Guantanamo, Cuba.

"The desecration of the Koran is intentional, deliberate. That didn't happen just once or twice or three times, but several times in front of me and other colleagues," Haji earlier told Radio France Internationale and the RMC-MO station in an interview.

"The Koran was continually insulted by the management of the prison and the soldiers. The aim was to provoke us religiously and to psychologically abuse us to make us pliant," he said. Three other Bahrainis remain at the camp, including one, Jumah al-Dossari, who reportedly tried to commit suicide during a visit from his lawyer last month.

The allegations of torture and mistreatment of the Koran are not new.

In May, the US magazine Newsweek reported that the Islamic holy book was flushed down a toilet, sparking violent anti-US protests in several Muslim countries. That story was subsequently retracted.

Last month, a released Egyptian man, Sami al-Leithy, told television in his home country that he was confined to a wheelchair because of the "torture" he suffered at Guantanamo.

Several of 17 Pakistanis freed in June said they had seen their captors desecrating the Koran.

"There were various incidents. Once I saw them throw the Koran in a bucket full of urine and faeces," said one of the men, Haifz Ehsan Saeed.

Another, Muhammad Hanif, said he was tortured and his beard was forcibly shaved off.

"The Americans removed our beards and have been spitting over the holy book," he said.

About 500 people are being held at the Guantanamo detention center without charges, most of them captured in 2001 in Afghanistan.

Detainee's Conditions Upheld

Suicidal Prisoner Being Treated Humanely, U.S. Lawyers Say By Josh White Washington Post Staff Writer Friday, November 18, 2005; Page A10 Government lawyers contend that Jumah Dossari, a suicidal detainee held at Guantanamo Bay, Cuba, has been receiving appropriate mental health care and has "adequate" amounts of human interaction, exercise and intellectual stimulation, according to papers filed in federal court this week.

The lawyers and officials at the U.S. military prison said that Dossari is not in isolation or solitary confinement, though he is held in a cell with solid walls and can communicate

verbally with other detainees only through the narrow food tray slot in his door when it is left open. They also said that Dossari has established "a cordial relationship with members of his interrogation team" and has eaten pizza, watched movies and played checkers with them during 29 interrogation sessions over the past two years.

Dossari, 32, a Bahraini national, is under close medical supervision at the U.S. Naval Hospital at the Guantanamo Bay base after a suicide attempt. He tried to hang himself with a makeshift noose and slashed his right arm in a bathroom during a visit from his attorney on Oct. 15.

Dossari tried to kill himself again on Monday by ripping the stitches out of his arm wound, according to an affidavit filed Wednesday by Capt. John S. Edmondson, the hospital's commander.

Edmondson wrote that it was the ninth time Dossari has attempted suicide since March 2003, something his attorney says is an obvious sign of desperation.

"It is both a message and a decision on his part that he would rather die than be there," said Joshua Colangelo-Bryan, a New York lawyer with Dorsey & Whitney. He also said that the government is not doing enough to protect Dossari and that by keeping him "in the most isolating unit in the entire camp," it is doing irreparable mental harm.

Justice Department lawyers filed papers this week saying that the conditions at Guantanamo Bay are legal and humane. They said that Dossari's requests for more access to other detainees, additional reading materials, increased contact with his family and access for his lawyers to his medical records "would impose undue burdens" on the government.

The lawyers also said that officials have been working to help Dossari but that he does not take his medication and refused 72 of 97 exercise sessions they offered. Dossari also is allowed a 15-minute daily hygiene break.

"He has not been kept in isolation," Col. Michael I. Bumgarner, commander of the Joint Detention Group at Guantanamo Bay, wrote in an affidavit. "The cells within Camp 5 have solid walls, but allow communication with other detainees on the block in addition to daily interactions with guards, medical staff, library personnel and mail delivery personnel." The filing was an unusual glimpse into daily life of a detainee at the facility, and included the first release of specific details on Dossari's conditions. Officials typically decline to discuss individual detainees.

Listed as "Inmate 261" in the court papers, Dossari is described as being friendly with his interrogators. The alleged enemy combatant has been allowed to watch the graphically violent film "Gladiator" with interrogators, and when he enjoyed that "motif" was allowed to watch the film "Troy" with them, Bumgarner wrote.

Colangelo-Bryan said the government's filing suggests that Dossari is no longer of intelligence interest to the U.S. government because he has been interrogated only 29 times over the past two years. He also disputed the idea that conversations with interrogators -- whom Dossari has accused of seriously abusing him -- amount to meaningful human contact.

"The idea of pizza parties and checkers makes me think I should try to find some interrogators for myself," Colangelo-Bryan said. "It sounds like a slumber party."

He said that Dossari appeared despondent during his visit last weekend and that Dossari's suicide attempt came one day after his lawyers were not allowed to return to speak to him.

Colangelo-Bryan said he saw Dossari shackled to a wheelchair in the hospital, wearing a neck brace.

The court papers confirmed that Dossari is one of several Guantanamo Bay detainees on a hunger strike.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/11/17/AR2005111701754.html>

Guantanamo inmate tries suicide again

Thursday, November 17, 2005 · Last updated 3:33 p.m. PT Seattlepi.com Website By BEN FOX ASSOCIATED PRESS WRITER SAN JUAN, Puerto Rico -- A Bahraini man being held at the U.S. prison for terrorism suspects at Guantanamo Bay attempted suicide this week for the ninth time and has begun a hunger strike, according to newly released court documents.

Juma'a Mohammed al-Dossary tried to kill himself Monday by pulling out sutures on an arm wound he inflicted on himself a month earlier, the chief medical officer at Guantanamo, Dr. John Edmondson, said in an affidavit filed in federal court in Washington.

Al-Dossary, who has been held since February 2002, also began a hunger strike in the first week of November to protest not being included in a group of Bahrainis released from the jail at the U.S. Navy station in eastern Cuba, Edmondson, a Navy captain, said. It was the fourth suicide attempt in 20 months at Guantanamo, where the U.S. military holds about 500 terrorism suspects, said Lt. Col. Jeremy Martin, a detention center spokesman. No detainees have died at the prison since it opened, officials say. The doctor's affidavit, filed late Wednesday, came in response to a request from al-Dossary's lawyers that a judge order conditions be eased for the 32-year-old detainee. "He's living under conditions that he finds unbearable and he's been told that he'll live that way for the rest of his life," said Joshua Colangelo-Bryan, one of the attorneys.

<<http://servedby.advertising.com/click/site=0000709145/mnum=0000302011/optn=64?trg=http://ad.doubleclick.net/jump/N3671.ad.com/B1573110.18;abr=!ie4;abr=!ie5;sz=300x250;ord=2532317841?>> The lawyers contend al-Dossary has been kept in isolation for about two years and denied sufficient time to exercise and adequate reading material. They also say lights are kept on in his cell all night and he is not allowed regular access to other detainees. Col. Michael Bumgarner, who manages the jail, said in an affidavit that al-Dossary has not been kept in isolation and that for the past six months he has been housed in an area where detainees are offered two hours of exercise per day, can freely talk to each other and have access to a library. Lights are dimmed at night, he said. http://seattlepi.nwsourc.com/national/1102AP_Guantanamo_Suicide_Attempt.html
Guantanamo a story of wrongs, not rights

ajc.com website

By JOHN G. GIBBONS

Published on: 11/18/05

For more than two years, the Bush administration maintained a legal black hole at Guantanamo Bay, imprisoning 700 men without charges, access to counsel or contact with the outside world. The administration repeatedly assured us that this harsh imprisonment was necessary because the dangerous individuals detained in Guantanamo, a naval base and detainment camp for prisoners of war collected from both Afghanistan and Iraq, were the worst of the worst al-Qaida terrorists.

But that's not true in all cases.

Brig. Gen. Jay Hood, Guantanamo's current commander, admits: "Sometimes, we just didn't get the right folks." The military only acknowledged such errors after the Supreme Court granted the right of habeas corpus to detainees in a 2004 decision.

Guantanamo is one of the few examples of imprisonment beyond the law in our country's history, and it exceeds in scope any past example. It is precisely this threat of unlawful detention and unfettered executive branch power that our federal courts have in the past kept in check through the ages-old writ of habeas corpus.

The writ of habeas corpus meant that the king of England could not throw paupers in a prison for their rest of their lives on a whim. It prevents our president from seizing an innocent civilian in Bosnia and throwing him into indefinite detention. Recognizing this injustice, the U.S. Supreme Court declared last year in *Rasul v. Bush* that Guantanamo detainees had a right to judicial review of their imprisonment.

Last week, the Senate passed an amendment offered by Sen. Lindsey Graham (R-S.C.) that stripped the U.S. courts of habeas corpus jurisdiction for detainees in Guantanamo Bay. Not since the Civil War has the right of habeas corpus been suspended. Yet the Senate took this action without a full and public debate about the consequences of the amendment.

Fortunately, the outrage from religious, military, legal, and human rights groups decrying the Senate's cavalier decision to suspend the writ forced Graham to reconsider. He did not, however, choose to withdraw the amendment to allow for a reasoned and thoughtful consideration of the issues raised by eliminating habeas protections. Nor did he propose hearings, at the very least, by the Senate Judiciary Committee, as its chairman, Sen. Arlen Specter (R-Pa.), requested during debate on the amendment.

Instead, he and Sen. Carl Levin (D-Mich.) cobbled together another amendment that provides only for appellate review of the military hearings at Guantanamo. This revised amendment

passed the Senate by an 84-14 vote, and the senators have been congratulating themselves on remedying the very problem they created.

Yet, the writ of habeas corpus has not been restored. Under the Graham-Levine Amendment, Guantanamo will remain a prison beyond the law.

The language of their amendment leaves much in question. Most importantly, it is still unclear whether an individual imprisoned at Guantanamo has any assurance of a fair hearing. The procedures the military has established do not weed out the guilty from the innocent. They do not give detainees a right to counsel and rely frequently on secret evidence withheld from the detainee. Detainees cannot gather evidence to prove their innocence. Most often, the hearings merely rubber stamp decisions the military already made, on the basis of unknown evidence.

Appellate review of a determination that is based solely on evidence presented by one side is meaningless.

The Senate should give pause before disregarding the crucial role of the judiciary in the administration of justice. Reasoned and thoughtful debate about this issue, not rhetoric, is what we should require from the Senate.

• John J. Gibbons is the former chief judge of the U.S. Court of Appeals for the Third Circuit and a partner at Gibbons, Del Deo, Dolan, Griffinger & Vecchione in New Jersey. He successfully argued *Rasul v. Bush* before the U.S. Supreme Court.

<http://www.ajc.com/opinion/content/opinion/1105/18edjudge.html>

Largest-ever gathering of former Guantánamo prisoners and prisoners' families: US government must give independent UN experts full access to Guantánamo Press release, 18/11/2005 Joint Statement by Amnesty International and Reprieve

Amnesty International and Reprieve today called on the US government to stop blocking meaningful United Nations access to its Guantánamo detention centre and agree to access to all prisoners. The organizations were responding to the passing of a midnight deadline for the US government to agree to terms for a visit to Guantánamo by five independent experts of the United Nations Commission on Human Rights.

Amnesty International and Reprieve made the call as they announced the largest ever gathering of former "war on terror" prisoners and their families to highlight an increasingly globalized network of torture and ill-treatment. The three-day conference in London, this Saturday through Monday, also brings together international legal and medical experts and leading human rights campaigners to inform and encourage action against torture and the practices that lead to it, such as secret detentions and renditions.

Amnesty International's Secretary General Irene Khan said:

"Denying meaningful access to those held in Guantánamo Bay is totally unacceptable. Guantánamo is just the visible tip of an iceberg of abuse, the most notorious link in a chain of detention camps including Bagram Air Base in Afghanistan, prisons in Iraq and secret facilities elsewhere. Through the courageous testimonies of former prisoners and prisoners' families, our conference this weekend will highlight how Guantánamo has become the epicentre of a shadow justice system supported by the subversive use of prolonged detentions and the handing over of prisoners to countries known to practice torture."

Reprieve's Legal Director, Clive Stafford Smith, who is acting on behalf of some 40 Guantánamo Bay detainees, said:

"The conference begins on the 100th day of the prisoners' hunger strike. I recently returned from Guantánamo and have just received an unclassified statement from Shaker Aamer, the British resident and father of four British children, where he writes that he has been so abused and humiliated that he wants the US military to stop force feeding prisoners and allow him to chart his own destiny and die. The British government should be ashamed of itself, refusing to lift a hand to help the ten British residents still being held there. At the

conference, we will see the collateral damage of the Guantánamo experiment - the torture, the fatherless children, and the abdication of the rule of law."

Amnesty International and Reprieve recognize that protecting civilians is a government's duty, but fighting terror with terror has been a catastrophe. Respect for universal human rights is the most potent weapon in the "war on terror". Fair trials and an absolute ban on torture are the only way to properly underpin our security.

For further information about the weekend conference:

<http://news.amnesty.org/pages/conference-press-eng>

<http://news.amnesty.org/index/ENGPOL300342005>

U.N. rejects U.S. terms for Guantánamo visit Rights experts say restrictions won't allow for fair evaluation

Updated: 5:01 a.m. ET Nov. 18, 2005

U.N. rights experts said Friday they refused to accept an U.S. invitation to visit the military prison for terror suspects at Guantanamo Bay because U.S. restrictions would make it impossible to make a fair assessment of detainee conditions.

The experts, invited by the United States to visit Guantanamo Bay Naval Base in Cuba, said they had to turn down the offer because U.S. officials refused to grant them the right to talk in private to the detainees.

"We deeply regret that the United States government did not accept the standard terms of reference for a credible, objective and fair assessment of the situation of the detainees at the Guantanamo Bay detention facility," said the experts, who independently check on rights around the world.

"These terms include the ability to conduct private interviews with detainees," said a statement by five experts, whose mandates cover torture, freedom of religion, health, independent judiciary and arbitrary detention.

They said they found it "particularly disappointing that the United States government, which has consistently declared its commitment to the principles of independence and objectivity of the fact-finding mechanisms, was not in a position to accept these terms."

"Under the circumstances, we will not be traveling to Guantanamo Bay Naval Station, as doing so would undermine the principles" under which they seek to provide neutral, independent assessments of respect for human rights.

<http://msnbc.msn.com/id/10093218/>

UK: Britain denies Hicks' citizenship

AAP NEWSFEED

November 18, 2005, Friday 7:45 AM Eastern Time

BYLINE: By Chris Lines

DATELINE: LONDON, Nov 18

Australian Guantanamo inmate David Hicks' application for British citizenship has been denied by the British Home Office, but the ruling will be challenged in court.

A lawyer for Hicks today confirmed the Home Office's ruling on the application.

The application was denied on the basis that Hicks had allegedly performed "an act prejudicial to the interests of the United Kingdom in attending training camps in Afghanistan and Pakistan", the lawyer's office said.

An application for judicial review of the citizenship bid has already been lodged and is set down to be heard next Wednesday.

The 30-year-old's application was based on the British citizenship of his mother, who was born and lived as a child in England.

The British government had acted to remove all nine of its citizens from US military custody held at its Guantanamo Bay prison in Cuba, and it was hoped the government would do the same if Hicks became British.

Hicks has been held at Guantanamo since January 2002 after he was picked up by US forces while allegedly fighting alongside the Taliban in Afghanistan. He faces charges of conspiracy

to commit war crimes, attempted murder by an underprivileged belligerent and aiding the enemy. He denies all of the charges.

Hicks was today due to be the first of nine Guantanamo inmates to face military commission trial at the heavily fortified prison.

But US District Court judge Colleen Kollar-Kotelly this week granted a stay in the trial until at least mid-2006 while the US Supreme Court considers a challenge to the legitimacy of military commission hearing process.

If the commission hearings' legitimacy is upheld, Hicks' trial is likely to proceed in July or soon after.

But if the court finds the process is illegitimate, it is unlikely he'll face a military commission.

(b)(6)

From: (b)(6) DoD OGC
Sent: Wednesday, November 30, 2005 2:26 PM
To: (b)(6)

Subject: GTMO Bird

All:

Below is today's GTMO Bird.

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DDO Office of General Counsel (Legal Counsel)

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Lawyers fight for detainees; Ga. firm assails Guantanamo

The Atlanta Journal--Constitution

November 30, 2005 Wednesday

BYLINE: BILL RANKIN

When John Chandler first set foot on Guantanamo Bay, Cuba, this summer, it reminded him of the military bases he patrolled as a U.S. soldier almost 40 years ago.

But that feeling quickly evaporated when Chandler arrived at the U.S. military complex that holds more than 500 terror detainees. "I felt an overwhelming feeling of shame and anger," Chandler said.

Chandler, who normally litigates business disputes, is one of six lawyers from the Atlanta firm Sutherland, Asbill & Brennan who have volunteered to represent detainees held at the Guantanamo Bay Naval Station. One of the six lawyers is Chandler's wife, Beth Tanis, a fellow partner in the firm.

The six lawyers represent five Yemeni detainees and, Chandler said, they have grown increasingly perplexed and frustrated that none of the men has been charged.

"I'm sure there are some bad dudes down at Guantanamo," Chandler, 61, said during an interview at the firm's Midtown offices. "But I haven't met them. Our clients have been down

there now for four years. What could they know now? The government should not be able to hold them indefinitely and never charge them."

In February, the Sutherland, Asbill lawyers began pursuing claims on behalf of the detainees through a petition for writ of habeas corpus, a civil lawsuit filed in U.S. District Court in Washington. The suit named President Bush, Defense Secretary Donald Rumsfeld and two military commanders at Guantanamo as defendants. It contended that the Yemenis were being unconstitutionally held without basis, without charge, without access to counsel and without being afforded fair process to challenge their detention.

Filing the initial lawsuit was unlike anything he had done before, said Greg Smith, a former federal defender in Atlanta who works at the firm's Washington office. Because names of the detainees had not been disclosed by the U.S. government, Smith said, he filed suit spelling the Yemenis' names as best he could with the help of translators. Only after the lawsuit was filed did the government verify that the Yemenis were being held captive at Guantanamo.

"It was the craziest thing in the world ----- filing a lawsuit before you were allowed to see your own clients," Smith said.

The five Yemenis were taken into custody by U.S. troops dispatched to Afghanistan to fight the Taliban regime that had harbored the al--Qaida terrorists responsible for the Sept. 11, 2001, attacks, the administration said. In court filings, Justice Department lawyers say the five men are enemy combatants, a classification that allows the administration to hold someone captive until the end of the conflict to prevent that person from returning to the battlefield. The designation provides fewer legal protections than prisoner of war status.

Since February, the Sutherland, Asbill lawyers ----- three from the firm's Atlanta office and three in Washington ----- have obtained security clearances, traveled twice to Guantanamo and flown to the Middle East to visit their clients' relatives.

Four of the lawyers and two translators returned to Guantanamo on Monday. During their most recent visit in late September, the lawyers learned that client Muhammad Al--Abdullah Bawazir was waging a hunger strike.

Bawazir initially worked at an Afghani orphanage, teaching the Quran to children. He then worked as a clerk for a charity group that ministered to refugees, said Tanis, Chandler's wife and volunteer attorney. After his capture in Afghanistan, Bawazir told his attorneys, he was brutally beaten by anti--Taliban native soldiers of the Northern Alliance shortly after being interrogated by U.S. soldiers. Bawazir said the two scars on his scalp were caused by the beatings and led him to sign a false confession, Tanis said.

"He has said he would have signed anything at that point," said Tanis, who specializes in complex litigation involving accounting firms.

Bawazir is accused of using counterfeit travel documents, attending a weapons training camp in Afghanistan, fighting with the Taliban and firing at U.S. or coalition forces.

During a tribunal hearing, Bawazir denied all allegations, according to a transcript.

"Why would I fight the United States of America?" Bawazir asked. "I have nothing against them . . . I wasn't a fighter."

When Sutherland, Asbill lawyers first met Bawazir in June, he weighed about 135 pounds. When the attorneys returned in late September, Bawazir had lost 20 pounds because of the hunger strike he began Aug. 8. He was so emaciated the lawyers hardly recognized him, Chandler said. Bawazir sat in a wheelchair with a feeding tube dangling from his nose.

The lawyers cut short their visit because Bawazir was exhausted from the effort of sitting up.

"He said he intends to die in Cuba," Chandler said. "He said he would never eat another bite or drink another drop of water. It is his intention to die there because there is no hope of anything else."

Bawazir asked his lawyers to try to get the military to stop force--feeding him. "I told him I just could not do that at that point," Chandler said.

The lawyers have found litigating the Guantanamo claims challenging because of the classified nature of the cases. It often takes weeks for a letter to reach their clients. Once the lawyers finish interviewing a detainee, they must turn over their notes to military personnel. The notes are returned two to three weeks later; with some sections having been redacted for security purposes.

Also difficult was gaining the trust of their clients, an important hurdle because if a detainee has not signed a retainer agreement by the end of a second visit, the lawyers are no longer allowed to visit with the detainee.

For this reason, some of the volunteer lawyers traveled to Yemen this summer to visit with their clients' relatives and made videotapes of the meetings. The legal team then filed a court motion to allow them to show the videos to their clients.

The U.S. government initially opposed it, but after a court hearing, the military consented to allowing the detainees to see the videos.

During a recent debate in the Senate, which voted to restrict habeas litigation by Guantanamo detainees, legislators made light of court motions that sought to air the "family videos."

That angered Chandler. "That really understates what was going on there," he said. "The first time we met them down there they didn't know who we were or whether we were part of another military trick to get them to talk. It was something we did to try and establish the credibility of the lawyers."

Chandler said not all attorneys at Sutherland, Asbill & Brennan have embraced the idea of the firm's lawyers representing Guantanamo detainees. But he said the firm has been highly supportive of the pro bono work.

Other Atlanta lawyers representing Guantanamo detainees include members of the Bondurant, Mixson & Elmore firm and Howard Manchel, a criminal defense attorney .

Chandler, who helped found the Atlanta Volunteer Lawyers Association some 25 years ago, said he became involved in the Guantanamo litigation after the New York--based Center for Constitutional Rights said it was seeking volunteers on behalf of relatives of Guantanamo detainees. So far, he said, it has been a fascinating experience.

"It's also been a horrible experience," Chandler said. "I love this country and served it in the Army. How can my country do something for which we condemned Communist countries and for which we are now condemned by the world?"

The growing power of the jamaats

The Guardian (London)

November 30, 2005

The bodies of the dead of Nalchik will not be returned to their relatives. Russian anti-terrorist laws forbid it, but critics say the move is designed to thwart the Muslim imperative to bury the dead within 24 hours.

Raya's son Vyacheslav had wanted to be a policeman when he left the elite Russian special forces. "He tried to join, but I did not have the money to pay the bribe needed to get a job there," she says. "Nobody needs people like him, who don't smoke, drink or pay bribes. All he wanted to do was live cleanly and honestly." She says her son joined a local "jamaat", or council, a strict Islamic group which claims to offer an alternative system of justice to the corruption of the local authorities.

Raya's membership of the jamaat and regular attendance at a mosque attracted the attention of the local police, says his mother. He was arrested twice, she says, once as he left prayer. "They beat him, once on the kidneys so badly that he could not work (as a builder) for a week. After you go through that, you are ready to do anything."

Tales of police abuse are echoed by others. Fatima Mamayeva's husband, Timur, is now on a police wanted list for suspected involvement in the uprising; earlier this year, he was arrested and heavily beaten four times. "They put a plastic bag over his head to partially suffocate him." She says police recently joked to her that she will have to take revenge as a "shakhidka", or female suicide bomber.

Another suspect is Rasul Kudayev, a former wrestling champion whom the Russian authorities cite as proof of the international connection to the militants. Kudayev was arrested in Afghanistan by US troops in 2001 and held in Guantanamo Bay. In May 2004, he returned home to Nalchik, telling his family he had been given mysterious coloured pills and subjected to extreme temperatures, irritant gels and stress positions. He told them that local police continued to harass him for months and then accused him of attacking a police checkpoint on October 13. They arrested him 10 days later. His lawyer, Irina Komissarova, says that when she saw him on October 26 he had to be carried into the room and had clearly been beaten.

One woman, Ira, had two sons who died in the arrests, Rustam, 25, and Ansur, 21. She says they were both graduates with no history of arrest. "If they are guilty, then they are guilty, but how can they be terrorists? They attacked government buildings and police."

The mobile phone film of the morgue is circulating, and fuelling their anger. "What do you think is going to happen next if we can't get the bodies?" says Rustam, hinting at further insurrection. "What would you want to do?"

Sidestepping Courts In The War On Terrorism

U.S. seeks leverage by moving detainees or changing their status before scheduled hearings. Critics call it legal dodge ball.

Los Angeles Times
November 30, 2005

By Richard B. Schmitt, Times Staff Writer

WASHINGTON - The timing of the government's indictment last week of terror suspect Jose Padilla, after holding him more than three years without charges, seemed hardly coincidental.

The Supreme Court was being asked to review the Padilla matter, which has sparked a national debate over the treatment of terrorism suspects who are U.S. citizens. By filing criminal charges against him, the Justice Department was reducing the chance that the high court would rule against the government in his case.

It's an increasingly common strategy in the Bush administration's legal war on terrorism: avoiding review by the federal courts whenever possible.

As the government has tried to maximize its power to track down, question and incarcerate suspects here and abroad, it has come to view the courts as a sort of new domestic threat that often affords prisoners more rights than officials feel they legally deserve. Barely a year ago, the Supreme Court gave terrorism suspects broad rights to challenge the government in court.

In the wake of that and other rulings, authorities have moved repeatedly to avoid judicial review by changing the status of prisoners, shipping them overseas or making adjustments in the conditions of their confinement – sometimes days before suspects were to appear in court.

The administration is also considered likely to support legislation, already passed by the Senate, that would greatly limit the rights of detainees and undo much of the 2004 high court ruling for future cases.

Critics say that these and other tactics amount to a kind of legal dodge ball with the Constitution.

"It is really about holding the reins," said William Banks, a national security expert at Syracuse University Law School. "They simply don't want the courts to push them around."

"Every time a court has been on the verge of granting a detainee a fair shake, the government has taken the ball and gone home," said Joshua Dratel, a lawyer who has represented a number of defendants in terrorism cases – including some held at the military prison at Guantanamo Bay, Cuba. "This is part of a pernicious pattern. They have been trying to subvert the process."

Administration officials deny there is any strategy to dodge the courts. But they also say they have a duty to protect the country and that they are taking all necessary steps to fulfill that pledge in what is largely uncharted legal territory.

Given the high stakes, the government would be wrong not to consider all its options, some observers said.

"I don't think there is anything wrong with that. That is just being responsible," said Andrew McCarthy, a former federal prosecutor who was involved in a number of terrorism cases.

Bryan Sierra, a spokesman for the Justice Department, said officials were limited in what they could say about pending cases – including Padilla's – but added that the paramount consideration has always been the nation's security. "At every point in Mr. Padilla's detention, the tools used have been subject to some form of judicial review," Sierra said.

But defense lawyers, human-rights groups and some legal experts say such a system also allows the government to play a kind of war game with the rights of defendants and the legal process.

The plight of Ali Saleh Kahlah Al-Marri is a case in point, they say. Officials have said they believe that Al-Marri, a native of Qatar who entered the country on Sept. 10, 2001, was a "sleeper cell operative" working to settle foreign terrorists in the U.S.

Two years ago, the Justice Department was moving against him in federal court in Illinois on charges of fraud and making false statements to authorities. Then the government decided he was too dangerous to be handled by the civilian courts, and he was moved to a military brig in South Carolina and designated an enemy combatant by President Bush.

The abrupt transfer deprived Al-Marri of the protections of the U.S. judicial system.

His lawyers have said they believe that government officials took the action concerned that they were going to lose the criminal case. The move occurred on the eve of a hearing to suppress crucial evidence against him that his lawyers argued had been illegally obtained.

The administration also has fought hard against providing basic legal protections to detainees on the premise that they are being held outside the normal justice system. But officials have made concessions when it appeared their actions were about to be challenged in court. Defense lawyers say the government's goal is to avoid adverse rulings.

Officials afforded another enemy combatant, Yaser Esam Hamdi, access to a lawyer only after the Supreme Court was asked to take up his case. The court ultimately held last year that Hamdi was owed a hearing to make a case about his detention. He never got it. The administration instead deported him to Saudi Arabia, where his family lives, even though he once had been deemed a major threat who was captured on an Afghanistan battlefield.

Elsewhere, the government appears to have released detainees to avoid possible hearings that could air evidence of alleged unsavory tactics by captors. Earlier this year, the U.S. agreed to free an Australian man, Mamdouh Habib, who had been detained at Guantanamo Bay since 2002 on suspicion of being an Al Qaeda agent.

Some U.S. officials reportedly have said that Habib was released to ensure that a court would not closely examine evidence that he had been tortured in Egypt during interrogations.

The congressional effort to trim the rights of detainees could exacerbate such problems, some legal experts said. A smaller role for the courts, they said, could open up the possibility of additional abuses, such as prolonged detentions and coercive interrogations.

"When the government illustrates, over and over again, this contempt for the judiciary, it breeds its own lawlessness," said Joseph Margulies, an attorney with the nonprofit MacArthur Justice Center at the University of Chicago Law School. Margulies has represented several detainees and helped win the Supreme Court ruling last year establishing their rights to a hearing. "The government should not be afraid to take cases to court," he said.

Padilla's journey through the justice system began when he was picked up by the FBI at Chicago's O'Hare International Airport in May 2002 and held on a material witness warrant. A month later, he was removed from the court system when Bush designated him an enemy combatant. He was placed in solitary confinement in a Navy brig in South Carolina, identified by top administration officials as a would-be "dirty bomber" plotting to plant an explosive device that would spread radioactive material. But he was never charged.

In September, a federal appeals court upheld his detention. Padilla's lawyers filed a request with the Supreme Court to review the case, demanding that he be charged or set free. A deadline had been set for this week for the government to respond to Padilla's petition.

Officials at the Justice Department said that because they have decided to pursue criminal charges against Padilla, the Supreme Court should have no reason to get involved at this juncture. "We believe that the petition is moot," U.S. Atty. Gen. Alberto R. Gonzales said last week in announcing the indictment.

The terror-related charges against Padilla bear little resemblance to the government's original accusations against him.

Justice officials offered no assurances that Padilla would not be thrown back into military custody if the criminal case did not go well. Padilla's lawyers plan to press the high court to take the case.

"There is no guarantee that the government won't do this again," said Jennifer Martinez, a Stanford law professor who is assisting Padilla's defense.

<http://www.latimes.com/news/nationworld/nation/la-na-terror30nov30,0,3733656.story?coll=la-home-nation> <<http://www.latimes.com/news/nationworld/nation/la-na-terror30nov30,0,3733656.story?coll=la-home-nation>>

American Forces Press Service<<http://www.defenselink.mil/graphics/presserv.gif>>

Officials Decry Use of Outdated Images to Portray Gitmo

By Kathleen T. Rhem
American Forces Press Service

U. S. NAVAL STATION GUANTANAMO BAY, Cuba, Nov. 29, 2005 - Leaders at the U. S. detention facility for enemy combatants here wonder why media outlets continue to use outdated images of defunct facilities to accompany news reports about the base.

Click photo for screen-resolution image

<http://www.defenselink.mil/news/Nov2005/screen_20051129155356_4xray3-20051129.jpg>

Camp X-Ray as it looks today. The facility has not been used since early 2002, and recent heavy rains at Guantanamo Bay have brought about heavy growth. Photo by Kathleen T. Rhem

(Click photo for screen-resolution image);high-resolution image

<http://www.defenselink.mil/news/Nov2005/20051129155356_4xray3-20051129.jpg> available.

Media stories about the detention facility or the men held here routinely are accompanied by photographs or video footage shot at Camp X-Ray, a temporary facility hastily erected to deal with enemy combatants captured in the first days of operations in Afghanistan. Images of orange-suited detainees blindfolded and handcuffed and kneeling in a line inside a chain-link enclosure have become iconic.

The problem is that Camp X-Ray closed in early 2002 and hasn't been used since. Since then, detainees have been housed in more modern, comfortable facilities, and improvements continue.

"I'd like to think it's for convenience" that media outlets still use footage that is more than three years old to portray the camp "rather than an attempt to try to portray the camp other than how it is today," Army Brig. Gen. John Gong, deputy commander of Joint Task Force Guantanamo, said in an interview.

"More recent footage better depicts what it's like here today," he added.

Camp X-Ray's concrete slabs and open-air chain-link enclosures had been compared to dog runs. But officials stress Camp X-Ray was a hastily built structure to deal with a rapidly changing situation in the war on terrorism. "It's important to note that Camp X-Ray was thrown up in a matter of weeks," Army Lt. Col. John Lonergan, commander of 1st Battalion, 18th Cavalry Regiment, said. Lonergan's unit provides security at Guantanamo Bay.

The facilities there were never meant to be used for long-term detention, he said. Engineers began construction on Camp Delta, which replaced Camp X-Ray in April 2002, shortly after detainees began arriving here.

Today the formerly occupied Camp X-Ray looks like a ghost town. Weeds and brush have overgrown the enclosures. Heavy rains spawned by three hurricanes at the island base this year have spurred growth of lush greenery throughout the defunct camp. Now the camp looks like it's been swallowed by a jungle.

Detainees in Camp 4, a part of Camp Delta and the least restrictive of the base's detention facilities, live in communal 10-man bays and have nearly full-time access to exercise yards. Gong said officials with the American Correctional Association have looked at Camp Delta and say the facility is in accordance with the standard for modern prisons in the United States.

Camp 5, the newest facility, is designed after state-of-the-art correctional institutions in the United States. Camp 6, to be completed in summer 2006, will be even more modern. When Camp 6 is completed, it and Camp 5 will house 95 percent of the roughly 500 detainees held here now, Gong said.

Media outlets have ample opportunity to update their imagery, Gong said. Since June, more than 40 media agencies have visited the base. "We welcome people to come in," he said.

Related Sites:

U. S. Naval Station Guantanamo Bay, Cuba <<http://www.nsgtmo.navy.mil/nsgtmohome.htm>>
Joint Task Force Guantanamo <<http://www.jtftgmo.southcom.mil/>>

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<http://www.defenselink.mil/news/Nov2005/screen_20051129155516_4xray1-20051129.jpg> Camp X-Ray as it looks today. The facility has not been used since early 2002, and recent heavy rains at Guantanamo Bay have brought about heavy growth. Photo by Kathleen T. Rhem

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<http://www.defenselink.mil/news/Nov2005/screen_20051129155453_4camp5-20051129.jpg> This view shows an unoccupied wing in the state-of-the-art Camp 5, a \$16 million facility completed in May 2004. File photo by Kathleen T. Rhem

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Detainees walk in an exercise yard in Camp 4, where they live in 10-man bays with nearly all-day access to the yard and other recreational privileges. File photo by Kathleen T. Rhem

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NOTE: View the original version <http://www.defenselink.mil/news/Nov2005/20051129_3476.html> of this web page on DefenseLINK <<http://www.defenselink.mil>> , the official website of the U. S. Department of Defense.

Distorting Guantanamo Bay

November 30, 2005: The prison camps at Guantanamo Bay have been the subject of controversy for over three years. The latest flap involves photos used by the media when reporting on the detainee camps. This has become the latest bone of contention between the military and the media. The images most commonly used are of Camp X-Ray, a temporary camp that was replaced by Camp Delta in April, 2002. The newer camps are going to be on the level of the latest correctional institutions anywhere in the world.

This has not been the first time this sort of media deception has been used. Earlier in 2005, there were questions raised about the treatment of the detainees. In July, Senator Richard Durbin compared the treatment of the detainees to Nazi concentration camps. This is despite the fact that out of over 24,000 interrogations, incidents of abuse were rare (32 involving interrogations - 6 of which were corrected on the spot, with the rest dealt with through normal channels). Of the 10,000 troops at Guantanamo Bay, only ten have been disciplined for not meeting standards - and in many of those cases, the disciplined soldiers had been provoked by the detainees.

One of the other bones of contention was the release of an interrogation diary involving a high-value detainee. The methods used during the detainee's interrogations were portrayed as routine. They were not - the techniques had been authorized as part of a special protocol. Naturally, human rights groups have been complaining about this, and their concerns are amplified by sympathetic news reports - which generates heat from politicians, who will rush to impose new rules.

That said, there is more than one way to distort things. Slanting facts, as has been done in the case of Mohammed al-Khatani, is one way. Another, more effective, means of distortion is to omit facts altogether. At least a dozen detainees that have been released have gone back to fighting with al-Qaeda. What also is not revealed is the intelligence gained. In many cases, this intelligence has given the United States information on how al-Qaeda is organized, where some al-Qaeda cells are, and on future operations. The media has also neglected to point out that al-Qaeda manuals instruct members to make false claims of being tortured if they are captured.

This latest incident is going to make relations between the military and media even worse than they already are. Already reporters are perceived as not telling the full story with regards to Iraq (a justified perception). Now, the use of outdated photos of Guantanamo Bay will only add to the perception that the media is undermining their efforts to defeat al-Qaeda. - Harold C. Hutchison (hchutch@ix.netcom.com)

<http://www.strategypage.com/htmw/htiw/articles/20051130.aspx>

Guantanamo inmate wins right to live in Germany
30 Nov 2005 12:53:32 GMT

Source: Reuters

BERLIN, Nov 30 (Reuters) - A Turkish man held since 2002 in the U.S. prison camp at Guantanamo Bay can keep his German residency status despite being out of the country for longer than six months, a German court ruled on Wednesday.

German authorities had attempted to revoke the residence permit of Murat Kurnaz, 23, because he had exceeded the six-month limit and had not applied for an extension.

However, his lawyer, Bernhard Docke, said the court ruled this was not justified because Kurnaz was being held abroad against his will.

Docke told Reuters the court decision was a proof that "the spirit of Guantanamo has not been imported into German law".

Kurnaz, who was born in Germany to Turkish parents but is a Turkish national, was in the process of becoming a German citizen when he was arrested in Pakistan in late 2001. Persons born in Germany do not automatically get German citizenship.

Branded an "unlawful combatant", he has been in the U.S. military prison in Cuba since the beginning of 2002 on suspicion that he supported Afghanistan's radical Islamist Taliban and possibly al Qaeda.

Kurnaz, dubbed by the media the "Bremen Taliban" after the north Germany city where he lived, alleges he has suffered abuse and interrogation techniques including sexual humiliation, underwater suffocation and the desecration of Islam.

<http://www.alertnet.org/thenews/newsdesk/L30650860.htm>

(b)(6)

From: (b)(6) DoD OGC
Sent: Thursday, December 01, 2005 2:42 PM
To: (b)(6)

Subject: GTMO Bird - Deghayes; Ex-detainee conference; Alito's impact on detainees' rights; CIA leaks (Deghayes); Sen Kyl statement on detainees; Hunger strike press statement

All:

Below is today's GTMO Bird.

(b)(6)

(b)(6)

DOD Office of General Counsel (Legal Counsel)

(b)(2)

(fax)

The need for a modern free market in torture; Before long there'll be league tables so customers can decide which torturer to attend

The Independent (London)

December 1, 2005

BYLINE: MARK STEEL

However unlucky you are to get taken hostage, some hostages are unluckier than others. Omar Deghayes, a resident of Brighton, has been held for more than three years and has received hardly any publicity at all. Maybe he needs a better agent.

Or could it be that instead of being held in Iraq, he is being held in Guantanamo Bay?

He was arrested in Lahore while with his wife and daughter, and after some warm-up torture in Pakistan, was moved to Guantanamo Bay. He was never charged, and it was two years before his captors announced the reason for his detention. It seems they'd seen a training video for Chechen rebels, and believed he was on it, though everyone who's seen it since agrees there's no one on it who looks anything like him. The American military will probably argue this displays the shortcomings of video evidence " it shows the people who are there but leaves out the people who aren't there.

And this allows suspects to escape justice. If he was in an al-Qa'ida video they could have released him and kept track of him, but instead, if they let him go he'd be free not to be in another guerilla training film, and then they'd have no idea where he was.

But apart from not being in the film, is it likely that someone running around training with Chechen rebels would take their wife and daughter along? Do they say to their wives, 'I've got to spend a week up an Afghan mountain waving a kalashnikov and shouting 'Death to infidels', but I get the evenings off so I thought you and the kids could come with me and we'll make a mini-break out of it'? Maybe you can get a special weekend deal with a Family Taliban card.

In any case, Omar was then tortured, and his accounts have now been related to his lawyer. There were the run-of-the-mill electrodes, but also a variety of more imaginative methods, including being left in a cage with poisonous snakes. Most spectacularly, after one attack he was permanently blinded in one eye. Now, the authorities will probably say: 'We can hardly accept his testimony as credible. After all he's blind in one eye.' (More details of Omar's case are available on www.save-omar.org.uk <<http://www.defenselink.mil/news/www.save-omar.org.uk>>)

The British Foreign Office, you may imagine, would be dealing with this case, but they're not. This is because Omar fled here from Libya as a young man, after his father was executed for organising opposition to Colonel Gaddafi. He was granted asylum, but as a British resident, not a citizen. So the US and Britain agreed, for representation he would have to apply to the Libyan government for 'consular intervention'. In effect, this gives him the option of remaining in a cage run by people who blinded him, or being handed over to those who shot his father. Perhaps this is a modern free market strategy towards torture, offering victims a choice of who's going to attack them.

Before long there'll be league tables published, so customers can decide which torturer to attend, and middle-class victims will move into a better catchment area so they're eligible for the electrodes that have shown the better results.

Eventually, torture will be privatised for maximum efficiency, as the numbers enjoying this service are growing to levels it was never intended for. And it's only fair that prisoners such as Omar will be charged a supplement for 'exotic' methods, such as poisonous snakes.

To complete the irony, the authorities at Guantanamo Bay have allowed the Libyan authorities into the camp to interrogate him. Because Libya and America are friends now. Choosing who's on which side in the war on terror is like picking teams at school. Each day it's different according to the whim of the boy doing the picking.

A while ago America would say, 'Saddam, you're on our side. I'm not having Libya, you're crap', and now it's the other way round. So Omar is unable to defend himself against the accusation of terrorism, because he's not considered a citizen as he had to flee a regime the Americans used to call a cesspit of terrorism, until they changed their minds. Let's hope he sees the funny side.

Or at least that he learns the rules of torture. That we deplore it to the extent we'll occupy a country for practising it, then if necessary, in order to ensure the defeat of the torturing regime, we'll torture people. Then we'll enlist dictators in this struggle, ignoring their record of torture, and, to make plain our unyielding opposition to torture, we'll torture our own residents, even inviting torturers from nations we'd previously occupied for their record on torture.

And to make sure our troops are tough enough to administer this stern rejection of torture, we'll let them hold initiation ceremonies in which they torture each other. And if you're not with us, you're against us.

Guantanamo is just an aside